

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,
Debtor in Foreign
Proceedings.

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC SECURITIES SERVICES
(LUXEMBOURG) SA, et al.,

Defendants.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

Adv. Pro. No. 10-03630 (CGM)

**SECOND AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY**

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”) (Dkt. 179);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery (Dkt. 227);

WHEREAS, the Liquidators informed this Court in an April 21, 2022 letter filing of their intention to seek an extension of the case schedule to account for delays in receiving the jurisdictional discovery needed to oppose defendants’ pending motions to dismiss (Dkt. 241);

WHEREAS, the Liquidators requested a deadline for the parties to substantially complete jurisdictional discovery, which deadline is necessary to inform the length of any requested extension to the case schedule (Dkt. 242);

WHEREAS, on May 20, 2022, this Court imposed a substantial completion deadline of June 30, 2022, subject to the parties' ability to negotiate a different date where appropriate (Dkt. 243);

WHEREAS, the parties in this action agreed to extend the substantial completion deadline until July 15, 2022;

WHEREAS, the Liquidators require sufficient time in which to review defendants' productions in order to respond to the PJ Motions; and

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The parties shall finally complete all jurisdictional document productions by August 15, 2022;
2. Liquidators shall file their oppositions to defendants' PJ Motions by March 31, 2023;
3. Defendants shall file their replies in further support of their PJ Motions within 90 days of service of an opposition;
4. The Court shall hear argument on the PJ Motions at the next omnibus conference that is at least 120 days after service of an opposition;
5. Interrogatories (except contention interrogatories) shall be served by December 19, 2023;
6. Contention interrogatories and requests for admission shall be served by February 16, 2024;
7. Contention interrogatories shall be served no earlier than December 19, 2023;

8. The parties shall substantially complete all merits document productions by July 17, 2023;

9. Fact discovery shall conclude by February 16, 2024;

10. The deadline for the parties to disclose the identity of any expert witness under Federal Rule of Civil Procedure 26(a)(2) is January 2, 2024;

11. The parties may designate rebuttal expert witnesses consistent with Federal Rule of Civil Procedure 26(a)(2)(D)(ii) by January 30, 2024;

12. The parties shall submit a mutually agreed to proposed schedule for exchanging opening, rebuttal, and reply expert reports and for completion of expert depositions (or, barring agreement, competing proposed Orders) for the Court's consideration no later than February 13, 2024;

13. All expert discovery shall be completed by October 2, 2024;

14. Any request for leave to amend pleadings or join parties shall be made by February 29, 2024;

15. The parties shall jointly contact the Court on October 9, 2024 to schedule a status conference to discuss summary judgment and trial; and

16. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the August 30, 2021 scheduling order following Liquidators' Rule 26(f) conference with HSBC Securities Services (Luxembourg) S.A., and the

October 19, 2021 scheduling order following Liquidators' Rule 26(f) conference with Private-Space Ltd. remain in full force and effect.

**Dated: July 27, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**